

SECOND REGULAR SESSION

# SENATE BILL NO. 1002

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RIZZO.

Read 1st time February 13, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5394S.011

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## AN ACT

To repeal sections 311.680 and 311.868, RSMo, and to enact in lieu thereof one new section relating to penalties for manufacturers and distillers of intoxicating liquor, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 311.680 and 311.868, RSMo, are repealed and one new  
2 section enacted in lieu thereof, to be known as section 311.680, to read as follows:

311.680. 1. Whenever it shall be shown, or whenever the supervisor of  
2 liquor control has knowledge, that a person licensed hereunder has not at all  
3 times kept an orderly place or house, or has violated any of the provisions of this  
4 chapter, the supervisor of liquor control may warn, place on probation on such  
5 terms and conditions as the supervisor of liquor control deems appropriate for a  
6 period not to exceed twelve months, suspend or revoke the license of that person,  
7 but the person shall have ten days' notice of the application to warn, place on  
8 probation, suspend or revoke the person's license prior to the order of warning,  
9 probation, revocation or suspension issuing.

10 2. Any wholesaler licensed pursuant to this chapter in lieu of, or in  
11 addition to, the warning, probation, suspension or revocation authorized in  
12 subsection 1 of this section, may be assessed a civil penalty by the supervisor of  
13 liquor control of not less than one hundred dollars or more than twenty-five  
14 hundred dollars for each violation.

15 3. Any solicitor licensed pursuant to this chapter in lieu of the suspension  
16 or revocation authorized in subsection 1 of this section may be assessed a civil  
17 penalty or fine by the supervisor of liquor control of not less than one hundred  
18 dollars nor more than five thousand dollars for each violation.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19           4. Any retailer with less than five thousand occupant capacity licensed  
20 pursuant to this chapter in lieu of the suspension or revocation authorized by  
21 subsection 1 of this section may be assessed a civil penalty or fine by the  
22 supervisor of liquor control of not less than fifty dollars nor more than one  
23 thousand dollars for each violation.

24           5. Any retailer with five thousand or more occupant capacity licensed  
25 pursuant to this chapter in lieu of the suspension or revocation authorized by  
26 subsection 1 of this section, may be assessed a civil penalty or fine by the  
27 supervisor of liquor control of not less than fifty dollars nor more than five  
28 thousand dollars for each violation.

29           **6. Any manufacturer or distiller licensed pursuant to this**  
30 **chapter, in lieu of suspension or revocation authorized in subsection 1**  
31 **of this section, may be assessed a civil penalty or fine by the supervisor**  
32 **of liquor control of not less than one hundred dollars nor more than**  
33 **fifty thousand dollars for each violation.**

34           7. Any aggrieved person may appeal to the administrative hearing  
35 commission in accordance with section 311.691.

36           [7.] 8. In order to encourage the early resolution of disputes between the  
37 supervisor of liquor control and licensees, the supervisor of liquor control, prior  
38 to issuing an order of warning, probation, revocation, suspension, or fine, shall  
39 provide the licensee with the opportunity to meet or to confer with the supervisor  
40 of liquor control, or his or her designee, concerning the alleged violations. At  
41 least ten days prior to such meeting or conference, the supervisor shall provide  
42 the licensee with notice of the time and place of such meeting or conference, and  
43 the supervisor of liquor control shall also provide the licensee with a written  
44 description of the specific conduct for which discipline is sought, a citation of the  
45 law or rules allegedly violated, and, upon request, copies of any violation report  
46 or any other documents which are the basis for such action. Any order of  
47 warning, probation, revocation, suspension, or fine shall be effective no sooner  
48 than thirty days from the date of such order.

          [311.868. 1. Notwithstanding the provisions of section  
2           311.070, 311.550, or 311.600, or any other provision within this  
3           chapter containing a penalty provision, any person who shall  
4           manufacture or distill intoxicating liquor in this state shall be  
5           subject only to the penalty provision of subsection 2 of this section  
6           with regard only to its manufacturer's or distiller's license rather

7 than the general or specific penalty provisions of the other  
8 provisions within this chapter, or any rule or regulation  
9 promulgated pursuant thereto. Such manufacturer or distiller  
10 shall not be subject to any other form of punishment with regard  
11 to its manufacturer's or distiller's license.

12 2. Any person as defined by subsection 1 of this section  
13 violating a provision of law contained in this chapter, or any rule  
14 or regulation promulgated pursuant thereto, shall be fined for the  
15 first offense, ten thousand dollars; for the second offense,  
16 twenty-five thousand dollars; and for the third and subsequent  
17 offenses, fifty thousand dollars.]

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Bill

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